

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

PAUL C. BARENS,	)	CASE NO. 1:19-00451
	)	
Plaintiff,	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	MAGISTRATE JUDGE DAVID A. RUIZ
	)	
PARMA CITY SCHOOL DISTRICT, <i>et al.</i> ,	)	
	)	<b>REPORT AND RECOMMENDATION</b>
Defendants.	)	

On February 28, 2019, Plaintiff filed a verified complaint and emergency motion for a temporary restraining order (“TRO”). (R. 1 & 2). At the request of the District Judge, the undersigned held a telephone conference with counsel at 4 p.m. and heard additional argument. Plaintiff was appointed to an interim position in October of 2018 with Parma City Schools, and, despite interviewing for the position, appears not to have been selected for the permanent post. The parties do not dispute that he will remain in the interim position until March 11, 2019. It is anticipated that defendant will make a final hiring decision this evening at a school board meeting, which decision Plaintiff seeks to enjoin through a TRO.

Federal Rule of Civil Procedure 65 governs the issuance of temporary restraining orders and preliminary injunctions. When ruling on a motion for a temporary restraining order or preliminary injunction, a district court must consider and balance four factors: (1) whether the

movant has a strong or substantial likelihood of success on the merits; (2) whether the movant will suffer irreparable harm without the relief requested; (3) whether granting the relief requested will cause substantial harm to others; and (4) whether the public interest will be served by granting the relief requested. *See Memphis Planned Parenthood, Inc. v. Sundquist*, 175 F.3d 456, 460 (6<sup>th</sup> Cir. 1999); *Schenck v. City of Hudson*, 114 F.3d 590, 593 (6<sup>th</sup> Cir. 1997).

After reviewing the Plaintiff's filings and hearing counsels' arguments during the telephone conference, this court recommends DENYING Plaintiff's motion for a TRO. None of the four factors clearly counsel in favor of granting a TRO. In particular, a showing of irreparable harm is lacking.

s/ *David A. Ruiz*  
David A. Ruiz  
United States Magistrate Judge

Date: February 28, 2019